



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

January 7, 2008

Dr. Roy E. Crabtree
Regional Administrator
Southeast Regional Office
National Oceanic and Atmospheric Administration
263 13th Avenue South
St. Petersburg, Florida 33701

Subject: EPA NEPA Comments on NOAA DEIS for the "Snapper Grouper Amendment 15B"; South Atlantic Fishery Management Council; South Atlantic Ocean; CEQ No. 20070469; ERP No. NOA-E91021-00

Dear Dr. Crabtree:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the National Oceanic and Atmospheric Administration's (NOAA) Draft Impact Statement (DEIS) for Snapper Grouper Amendment 15B. The DEIS was prepared for NOAA by the South Atlantic Fishery Management Council (Council). EPA has provided NEPA comments on Snapper Grouper Amendment 15A in a letter dated November 9, 2007.

Amendment 15B evaluates the effects of updating management reference points for the golden tilefish (*Lopholatilus chamaeleonticeps*), defining allocations for the snowy grouper (*Epinephelus niveatus*), modifying sales restrictions on snapper grouper species, a monitor system to assess bycatch on the snapper grouper fishery, implementation of measures to reduce the incidental take of sea turtles and small tooth sawfish, and modifying permit requirements for renewals and transfers. We offer the following comments on the alternatives offered in the DEIS for these proposed actions. We request that our comments be considered in the development of the Final EIS (FEIS).

Action 1: Snowy Grouper Allocation – The preferred alternative selected in the DEIS is Alternative 2, which would base allocations on landings for the years 1986-2005. Alternative 3 would base them on the years 1992-2005, while Alternative 4 on only 2005. EPA favors Alternative 3 because it uses a broad range of recent years that would seem to be the most relevant and representative (i.e., better than use of the landings of many years ago (as long ago as 1986) and better than only one year of data (2005) even though recent since 2005 could have been an atypical year in terms of fishing and/or environmental conditions). The FEIS should discuss why Alternative 2 was preferred over 3.

Action 2: Red Porgy Allocation – The DEIS did not select a preferred alternative for this action, soliciting public comments for the FEIS instead. Consistent with our above selection for the snowy grouper allocation, EPA favors Alternative 3 for the red porgy since it based allocations on the most recent presented landings (1999-2005). The FEIS should provide a preferred alternative for this action.

Action 3: Golden Tilefish Reference Points – EPA defers to the fishery expertise of NOAA and the Council regarding the updating of reference points such as OY and MSY. We assume that the most recent SEDAR fishery data were used to properly set the reference points. We suggest that the FEIS indicate how often the SEDAR fishery data are gathered for the golden tilefish.

Action 4: Sale of Recreationally-Caught Fish – We much appreciate that this issue was addressed and that charter boats were defined and separated from commercial fishers. We agree that fish caught from charters should not be sold or purchased and potentially confused with commercial landings. We concur with the selection of the DEIS-preferred Alternative 2.

Action 5: Monitor and Assess Bycatch – The minimization of bycatch is another important fishery issue for a number of fisheries. We note that the Atlantic Coastal Cooperative Statistics Program (ACCP) Release, Discard and Protected Species Module would be adopted. We support the fact that until adoption, instead of not using an interim approach, various techniques such as observers, electronic logbooks and video monitoring are to be used for all action alternatives. We agree with NOAA's selection of Alternative 2 because it apparently requires that all (as opposed to selected) vessels use this approach. The FEIS should clarify this. The FEIS should also indicate when the ACCP guidance would be ready for adoption. We also assume that this methodology is geared for the species of concern. Has any research been conducted on the success of this methodology for these species (i.e., survivorship of discards)?

Action 6: Sea Turtle and Smalltooth Sawfish Incidental Take Impact Minimization Measures – The DEIS-preferred Alternative 2 appears to be a reasonable choice since this option outlines specific response methodology for incidental takes. As opposed to Alternatives 3, all sized vessels (regardless of freeboard height) would use this approach and carry the prescribed sea turtle release gear. Environmentally, we agree with such equipment being onboard all vessels, and assume the practicality (storage) of carrying these 12 pieces of gear on smaller vessels has been considered. Will there be training for fishers regarding the timely and proper use of the gear and how will onboard efficiency and success be monitored? We assume the survivorship of entangled turtles is reasonably high (if drowning was avoided); however, the FEIS should discuss the survivorship of both species.

Action 7: Permit Renewal – We agree that the current permit renewal term of 60 days is excessive from an administrative and environmental perspective – unless this short term is beneficial to the recovery of the overfished snapper grouper species. Otherwise,

the DEIS-preferred Alternative 3 proposing a longer 1-year permit term seems reasonable.

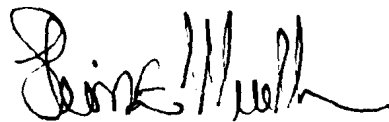
Action 8: Permit Transferability – In general, EPA feels that a useful fishery management tool is to affect permit transfers. As such, EPA supports limitations to permit transfers which tend to reduce the number of fishers (although societal issues such as Environmental Justice (EJ) should also be considered in the use of such a management measure). The DEIS-preferred Subalternative 2-E appears to be reasonable in this regard since it limits transfers within the family of the original permit holder on a 1 for 1 basis. However, as suggested above, if the snapper grouper fishery is known for having minority and low-income fishers (especially subsistence fishers), permit transfers may need to be somewhat broader as long as the stock recovery is still progressing consistent with the Magnuson-Stevens Act.

In addition to these comments, we wish to emphasize the importance of implementing the ecosystem management approach whenever possible within fisheries management. This may be particularly relevant for the snapper grouper fishery since there are numerous co-occurring snapper grouper species that are ecologically inter-related, or perhaps are even bycatch for other snapper grouper target species.

Although some clarification comments were offered for this DEIS, EPA generally supports NOAA on Amendment 15B and gives deference to their fishery expertise. Therefore, EPA rates this DEIS as "LO" (Lack of Objections). Nevertheless, we request that NOAA and the Council directly respond to our comments in a dedicated section of the FEIS.

We appreciate the opportunity to review the DEIS. Should you have questions regarding these comments, feel free to contact Chris Hoberg of my staff at 404/ 562-9619 or hoberg.chris@epa.gov.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc: Dr. Rodney F. Weiher
NEPA Coordinator
National Oceanic and Atmospheric Administration
NOAA Office of Program Planning and Integration (PPI)
SSMC3 / Room 15603
1315 East-West Highway
Silver Spring, MD 20910